

DANIEL J. BRODERICK, #89424
Federal Defender
DAVID M. PORTER, Bar #127024
Counsel Designated for Service
Assistant Federal Defender
801 I Street, 3rd Floor
Sacramento, California 95814
Telephone: (916) 498-5700

Attorney for Defendant
CESAR VALDEZ-SANTOS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. Cr. S 02-104 LKK GGH
)
Plaintiff,) **STIPULATION CONCERNING STATUTE OF
LIMITATIONS; [lodged] ORDER**
v.)
)
CESAR VALDEZ-SANTOS,)
)
Defendant.)
)

)

Defendant, CESAR VALDEZ-SANTOS, by and through his attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, First Assistant U.S. Attorney Carolyn K. Delaney, hereby stipulate as follows:

1. In light of the affidavits attached to the Petitioner's Response to Government's Motion to Dismiss (Doc. #624), the parties agree that the circumstances set forth therein might constitute "extraordinary circumstances" that would equitably toll the statute of limitations for the few days the motion was late, and therefore in the interests of justice and to obtain a speedy and efficient resolution of the litigation, the Government hereby waives any defense it has based on 28 U.S.C. § 2255(f); and.

2. The evidentiary hearing set for September 19, 2011, be vacated and that the Court enter the order lodged herewith directing the Government to file its Answer on or before sixty days from the entry of the order.

Dated: June 13, 2011

Respectfully submitted,

BENJAMIN WAGNER
United States Attorney

DANIEL J. BRODERICK
Federal Defender

/s/ Carolyn K. Delaney
CAROLYN K. DELANEY
First Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

ORDER

Pursuant to the stipulation of the parties, and good cause appearing therefor, the evidentiary hearing set for September 19, 2011, is VACATED. The Government shall file its Answer to the Section 2255 motion on or before sixty (60) days from the entry of this order. Petitioner may file a Reply to the Answer on or before thirty (30) days from service of the Answer.

The appointment of the Federal Defender pursuant to this Court's order of June 7, 2011 (Doc. #626) is hereby terminated. The Clerk of the Court shall ensure that the docket reflects that Petitioner is now proceeding pro se.

Dated: June 23, 2011

/s/Gregory G. Hollows

HONORABLE GREGORY G. HOLLOWES
United States Magistrate District Judge

STIPULATION CONCERNING STATUTE OF LIMITATIONS